

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN

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ALLIED INDUSTRIAL SUPPLY,  
LLC,

Plaintiff,

v

CHRISTOPHER STONE,

Defendant.

NO. 1:22-CV-00-00815

HON. PAUL L. MALONEY

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**PARTIES' JOINT STATUS REPORT REGARDING NEW JERSEY LITIGATION**

Pursuant to this Court's February 7, 2023 Order (i) denying Defendant's pending Motion to Dismiss and (ii) staying this action pending the District of New Jersey's decision about the application of the first-to-file rule, the parties hereby jointly submit this status report concerning further litigation of this case.

The two parties in this case are also parties to a declaratory relief action in the United States District Court for the District of New Jersey, assigned Case No. 3:22-cv-05941. Allied Industrial Supply, LLC, the Plaintiff in this case and the Defendant in the New Jersey litigation, filed a Motion to Transfer Venue with the District of New Jersey court on February 24, 2023. On April 6, 2023, the District of New Jersey issued an Opinion and Order (Ex. 1) declining to apply the first-filed rule on the grounds that it

determined Defendant's complaint was "anticipatory." In the same Order, the District of New Jersey granted the pending Motion to Transfer filed by the Plaintiff requesting transfer of the case to this Court.<sup>1</sup>

In sum, the New Jersey Court has declined to adopt the first-filed rule and ordered the transfer of the New Jersey case to the Western District of Michigan, and this Court has denied the Motion to Dismiss which was pending before it. The Parties accordingly propose that this matter would most efficiently proceed by (i) an Order from this Court lifting the now-pending stay over the action between the Parties in this Court; (ii) upon receipt of the transfer of Case No. 3:22-cv-05941 from the District of New Jersey court, the consolidation of that case with this action; (iii) within 21 days of the consolidation of the two cases, Plaintiff Allied is to file an amended complaint for the consolidated matters; and (iv) the submission of an Answer to this Court by the Defendant within 21 days of the filing of the Amended Complaint, with a Scheduling Conference to be scheduled at this Court's discretion thereafter.

/s/ Christopher LeVasseur

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<sup>1</sup> As of the undersigned date, the District of New Jersey has not yet issued notice to the Parties commemorating the electronic transfer of its case file to this Court. Nevertheless, the Parties submit this Joint Status Report now to comply with this Court's February 7 Order and to avoid further delay stemming from finalization of the transfer of the New Jersey case's electronic file.